

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

SUSANNA MIRKIN and BORIS MIRKIN,  
Individually and on Behalf of All Others  
Similarly Situated,

Plaintiffs,

v.

XOOM ENERGY, LLC and  
XOOM ENERGY NEW YORK, LLC

Defendants.

Case No. 18-CV-2949 (ARR) (JAM)

**DECLARATION OF ETHAN D. ROMAN IN OPPOSITION TO DEFENDANTS’  
MOTION TO STAY PROCEEDINGS PENDING RULE 23(f) PETITION AND APPEAL**

Ethan D. Roman, an attorney duly admitted to practice before the Eastern District of New York, declares the following under penalty of perjury and pursuant to 28 U.S.C. § 1746:

1. My firm, Wittels McInturff Palikovic, is Class Counsel for Plaintiff Susanna Mirkin and the Class. Based on my active participation and supervision in all material aspects of the prosecution of this class action against Defendants XOOM Energy, LLC and XOOM Energy New York, LLC (together, “Defendants”), I have personal knowledge of the matters set forth herein.

2. I make this Declaration in opposition to Defendants’ Motion to Stay Proceedings Pending Rule 23(f) Petition and Appeal (“Motion”) to authenticate the attached exhibits referenced in the accompanying Memorandum of Law.

3. Attached hereto as **Exhibit 1** is a true and correct copy of the transcript from the Motion’s October 17, 2023 pre-motion hearing held before Judge Reyes.

4. Attached hereto as **Exhibit 2** is a true and correct copy of Plaintiff's Answer in Opposition to Defendants' Petition for Permission to Appeal Pursuant to Federal Rule of Civil Procedure 23(f), dated September 26, 2023.

5. Attached hereto as **Exhibit 3** is a true and correct copy of a Plaintiff's Opposition to Defendants' Motion for Leave to File a Reply in Support of Petition for Permission to Appeal Pursuant to Federal Rule of Civil Procedure 23(f), dated October 12, 2023.

I declare under penalty of perjury that the foregoing is true to the best of my information and belief.

Dated: New York, New York  
November 20, 2023

Respectfully submitted,

/s/ Ethan D. Roman  
Ethan D. Roman

**CERTIFICATE OF SERVICE**

I hereby certify that on November 20, 2023, the foregoing was served via email on all counsel of record.

By: /s/ Ethan D. Roman  
Ethan D. Roman